

**ASSEMBLY BILL**

**No. 1978**

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**Introduced by Assembly Member Galgiani**

February 23, 2012

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An act to add Section 151.5 to the Welfare and Institutions Code, relating to unattended collection boxes.

LEGISLATIVE COUNSEL'S DIGEST

AB 1978, as introduced, Galgiani. Salvageable personal property: collection boxes.

Existing law regulates the placement of collection boxes and requires specified information to be displayed on the front of each collection box. Existing law authorizes a city, county, or city and county to declare a collection box in violation of these provisions a public nuisance.

This bill would require the express consent of a property owner before a collection box may be placed on his or her property. This bill would shield an owner of private property, who acts reasonably, from civil liability to a collection box owner or operator for the removal of an unauthorized collection box. This bill would also shield a tow truck operator, who acts reasonably, from civil liability to a collection box owner or operator for the removal of an unauthorized collection box. The bill would provide that a person in lawful possession of private property who causes the removal of a collection box, or otherwise disposes of it, and collection box is on the property with the property owner's express consent, is civilly liable to the owner or operator of the collection box for 4 times the amount of the towing and storage charges, or \$1,000, whichever is higher.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 151.5 is added to the Welfare and  
2     Institutions Code, to read:

3     151.5. (a) A person may not place or maintain a collection  
4     box on private property unless the owner or operator of the  
5     collection box first obtains the express consent of the property  
6     owner, which may be in writing.

7     (b) (1) An owner of private property, who acts reasonably, shall  
8     not be civilly liable to a collection box owner or operator for the  
9     removal of a collection box placed on the property owner's private  
10    property without the owner's express consent.

11    (2) A tow truck operator, who acts reasonably, shall not be  
12    civilly liable to a collection box owner or operator for the removal  
13    of a collection box from private property if the tow truck operator  
14    first obtains authorization from the property owner.

15    (c) A person in lawful possession of private property who causes  
16    the removal of a collection box to a storage facility, or otherwise  
17    disposes of a collection box, and the collection box was placed on  
18    the property with the property owner's express consent, shall be  
19    civilly liable to the owner or operator of the collection box for four  
20    times the amount of the towing and storage charges, or one  
21    thousand dollars (\$1,000), whichever is higher.